

## ABA Addresses Opioid Crisis

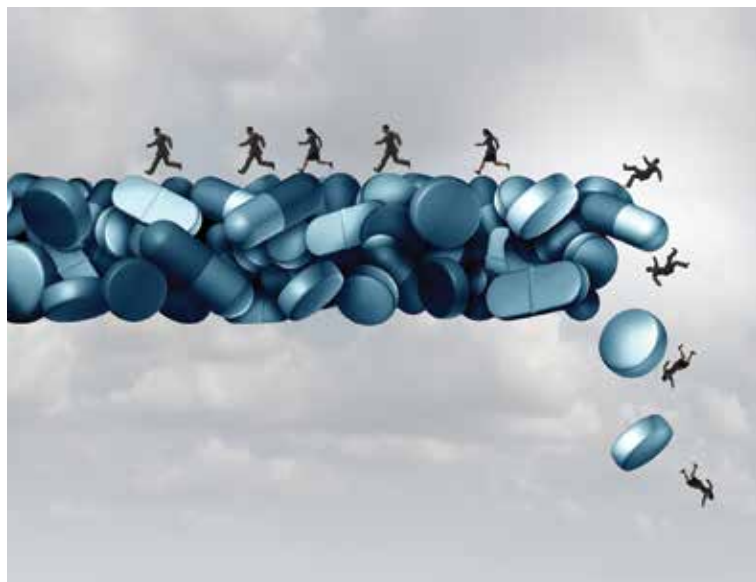
By Katherine Mikkelson

**A**BA leaders and staff met in May to address one of the deadliest epidemics of our times: opioid addiction. The numbers are stark and startling. One hundred and fifteen people die each day from opioid overdoses according to the Center for Disease Control. Nationwide, the epidemic is now claiming more lives than homicides and automobile deaths combined. The CDC estimates that the total economic burden of opioid misuse is \$78.5 billion a year including criminal justice involvement, addiction treatment, lost productivity and healthcare.

Sponsored by the ABA Senior Lawyers Division, the purpose of the ABA Opioid Summit was to bring experts and ABA leaders together to examine the scope of the problem and develop recommendations to address this major societal crisis.

The summit began with a series of presentations from experts who outlined the history and scope of the problem. Dr. Mary Carter, Associate Professor and Director of Gerontology Programs at Towson University in Maryland, kicked off the summit, noting that 2.5 to 5 million people have an opioid disorder, and 80 percent of these began while using a prescription drug. Opioids misuse began because pharmaceutical companies and doctors initially considered them a safe way to manage pain; both parties were under the impression that only one percent of patients could become addicted. Carter outlined that 1998 was considered the start of the epidemic, and the peak of prescribing was reached in 2012. After that time, opioid prescriptions decreased significantly, but at the same time illegal sources increased, including heroin, which is a much cheaper drug. Currently, fentanyl (a synthetic opioid) outpaces heroin use, and fentanyl deaths now outpace heroin and prescription opioids.

Link Christin, Executive Director of the Legal Professionals Program at Caron Treatment Center in Pennsylvania next spoke about treatment issues. Christin relayed the tragic story of how opioids personally touched his life when his ex-wife's 17 year-old daughter died from a heroin overdose. Christin spoke about medication assisted treatment (MAT), where patients are often treated with Naltrexone, a drug that blocks the euphoric and sedative effects of opioids, thereby reducing cravings. MAT is not without its critics. For example, if those who are treated with Naltrexone relapse and use the previous dosage of opioids, they could suffer life-threatening consequences including respiratory arrest. Christin discussed the various obstacles for patients seeking treatment including lack of or poor insurance, philosophical (i.e. one shouldn't exchange one opioid for another), costs of treatment, the shame factor, and the speed and scope of the crisis. Christin also advocated for the widespread use of naloxone/Narcan, an opioid antagonist. Narcan blocks the effects of opioids and can stop people from overdosing. It very quickly restores normal respiration to someone whose breathing has slowed or stopped. Narcan is available over the counter and is easy to administer with little or no side effects, but it is not without its issues. Opponents claim it can be misused, and that it prevents people from getting treatment for their addiction because they rely too heavily on Narcan. In April of this year, U.S. Surgeon General Jerome



Adams issued [an advisory](#) urging Americans to routinely carry Narcan.

David Hoffman, a partner with Sidley Austin, LLP spoke about the Legal Service Corporation's Opioid Task Force that was created by a bipartisan Congressional caucus in April. Hoffman, who co-chairs the group, discussed how the Task Force is charged with studying and reporting on challenges and potential solutions for civil legal aid as a result of the epidemic. The legal issues related to opioid addiction include guardianship and elder law issues, domestic violence, child abuse, housing, health care, and employment/disability issues. Hoffman noted that LSC offices are overloaded with opioid related cases, and that some offices do not have attorneys who are experienced enough in these areas. The goal of the task force is to produce a report by April 2019 that provides best practices and recommendations. One idea that experts have proposed is a medical/ legal partnership where lawyers are embedded in health care facilities. While intriguing in theory, critics have questioned whether such partnerships would really be effective, and where they would need to be physically located to provide the most benefits for the maximum number of people. The Task Force will examine this and others issues closely.

Summit attendees broke into three workshop groups to discuss the issues and develop recommendations to address the problem.

### **The Law and Policy Group**

Most notable to public lawyers, this group examined the role of federal regulation in controlling drug distribution and sales, including intra-state distribution, pill-mills, and inter and intra-state electronic monitoring. This group also looked at the role of federal and state laws and litigation efforts in curbing the epidemic, including model state laws related to prosecution and access to naloxone, criminal prosecution of traffickers/drug users, class action suits against the pharmaceutical industry, and the status of the Ensuring

ing Patient Access and Effective Drug Enforcement Act (2016).

With respect to this Act, the group noted that the National Association of Attorneys General (NAAG) recently [sent a letter to Congress](#), urging that the act be repealed. NAAG's position is that the Act limits the DEA's ability to issue an immediate suspension order against a drug manufacturer or distributor whose unlawful conduct poses an immediate danger to public health or safety. This letter was signed by 44 state and territory attorneys general.

In terms of federal efforts, the group touched on the Department of Justice's [Prescription Interdiction & Litigation \(PIL\) Task Force](#) that was created in February of this year. The PIL Task Force aims for a multi-pronged approach including criminal and civil remedies against manufacturers, pharmacies, drug testing facilities and individual doctors.

In addition, this group discussed the feasibility of class action and multidistrict litigation akin to the tobacco litigation that states brought against tobacco manufacturers. At least one class action lawsuit has been filed in Mississippi by two southern Alabama hospitals against 20 pharmaceutical companies, alleging that drug makers aggressively pushed their opioid products and falsely claimed that the drugs were not addictive. In addition, [multidistrict litigation](#) is being pursued in federal court in Cleveland where hundreds of municipalities, counties and Native American tribes are being brought together in one lawsuit.

Last, the group discussed the role of information and education in combating the crisis, including physician understanding and compliance with guidelines for best-practice prescribing and discontinuation, the effects of declaring states of emergency in mobilizing resources, and approaches to disseminating information.

### **Family and Policy Issues Group**

This group examined the impact of the opioid crisis on the family (including child welfare and parental rights,

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#### **Editorial Statement**


*Pass It On* provides a forum for the discussion of issues of special concern to government and public sector lawyers. *Pass It On* is edited by members and staff of the Government and Public Sector Lawyers Division. Publishing and editorial decisions are based on the editors' judgment of the quality of the writing, the timeliness of the article, and the potential interest to the readers of *Pass It On*. The views in *Pass It On* are those of the authors and may not reflect the official policy of the American Bar Association or the Government and Public Sector Lawyers Division. No endorsement of the views should be inferred unless specifically identified as the official policy of the American Bar Association or the Government and Public Sector Lawyers Division.



neglect and abuse, family disruption and child/teen exposure to illicit drug use), the impact of the crisis on social and legal services (including foster care, family court, access to rehabilitation and services, and the rural/urban divide in delivering services), ways to strengthen families in the midst of the crisis (including providing supports for kinship care, grandparents raising grandchildren, multi-generational drug misuse, and risks to family members sheltering those with drug misuse disorders) and the hidden epidemic of older adult opioid addiction (including unintentional misuse of opioids, lack of targeted age-specific treatment programs, the problem of chronic pain, and availability of alternative treatments).

### Treatment, Advocacy, and Education Group

This group discussed advocacy and public education (including guaranteed access to treatment and recovery programs, widespread education efforts regarding opioid treatment, widely available treatment options, guaranteed access to treatment for incarcerated individuals with dependence, treatment for co-dependency, and access to overdose reversal drugs), improving treatment and rehabilitation (including expedited review of new treatments, medications, and protocols; review of best practices in chronic pain management; review of existing programs and therapeutic treatments; identification of non-pharmaceutical treatments and supports; emergency interventions; and improved methods of program evaluation and effectiveness monitoring) and better management of chronic pain (including alternative strategies for managing chronic pain, adherence to protocols for best-practice prescribing, and discontinuation).

A report on the ABA Opioid Summit is expected by the Annual Meeting in Chicago in August. It will be used to create policy recommendations that the ABA House of Delegates will consider, possibly as early as the Midyear Meeting in Las Vegas in February. 

## MESSAGE TO THE MEMBERS




Hon. Janet M. Coulter  
Chair, 2017–2018

As my year as chair comes to a close, I find myself reflecting on the services, programs, and opportunities provided by the Division. Some of them, such as our publications, predate me and largely run without the interference from the chair. Others are relatively new, like our [law student blog](#) and our [podcast series](#). Both evolved due to GPSLD leaders recognizing the need to provide career advice to law students and young lawyers. You may think that products like these miraculously appear one day but that's not the way it happens. There is an inordinate amount of planning involved including research, writing, editing, not to mention sourcing speakers, prepping them and then recording and editing the audio. We have an incredible staff that does a great job and shoulders most of the legwork but they cannot do it alone. They need the support of volunteer members who are willing to roll up their sleeves and get involved.

If you haven't participated much with the Division before, I strongly urge you to reach out to Division staff and volunteer your services for a committee, program or article. I assure you that the more you become involved, the more rewarding it will be for you. A good way to get involved is by writing a short article for one of our publications. Do you have an idea for an article or program you'd like to see presented? Shoot us an email at [GPSLD@americanbar.org](mailto:GPSLD@americanbar.org) and we'll see if it's doable. We promise that we won't compel you to volunteer for anything unless you let us know you'd like to become involved.

This year's ABA Annual Meeting is being held in Chicago. You should jump at the chance to attend fascinating CLE programs while also having the opportunity to visit the Miracle Mile, take an architectural boat ride and attend the Presidents' Reception at the beautiful Chicago Cultural Center. I hope you will attend our complimentary awards reception that will honor stellar government lawyers and law offices. Come and celebrate all the outstanding achievements of public lawyers across the country. It is such a moving, inspiring event. See p. 5 for registration information.

It's been a privilege and honor to serve as your chair this past year. I could not have done it without the support and assistance of our incredible, talented staff. Thank you for giving me the opportunity to serve as chair of such a wonderful organization. 

## THE DIVISION IS SOCIAL!

Stay connected with the Division on all our social media channels.



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## Member Profile



**Amy M. Curtis**

**Department Counsel  
Virginia Department of Forensic Science**

**A**my Curtis has been counsel for the Virginia Department of Forensic Science (DFS) for three years. DFS provides forensic laboratory services for the Commonwealth's criminal justice system. As in-house counsel, she advises the department's management on non-litigation issues and acts as a liaison with the courts, the Office of the Attorney General, attorneys, and law enforcement.

### *What is the one decision that you made that changed the course of your career?*

My decision to apply for the Department Counsel position with DFS after having litigated for almost 20 years. For the first few days, I sat at my new desk and thought, "What on earth have I done?" I was particularly overwhelmed once I realized the amount of scientific knowledge that I would need to perform my job duties effectively. Somewhere, my high school chemistry teacher is still laughing. In retrospect, the challenge was just what I needed at that time in my career. You have to keep growing and learning as an attorney to avoid burning out.

### *What is the best part about your job?*

The best part for me is the breadth of matters that I handle. In any given week, I may be helping a forensic sci-

entist with a court issue, advising on an HR matter, reviewing a contract for procurement, drafting a regulation or a new department policy, responding to a FOIA request or subpoena duces tecum, speaking at a conference for user agencies, or providing training to DFS staff. The variety keeps me engaged and interested.

### *What is the best piece of advice you ever received career-wise and why?*

As a young lawyer in private practice, the senior partner constantly reminded me that it mattered how I treated all of the people I encountered in my practice — not just clients, other lawyers, and judges — because you never knew who might assist you in the future. His advice proved prophetic in a number of situations during my career. Some of the examiners that I work with now are the same examiners who were witnesses in cases that I handled as a prosecutor. The professional courtesy and respect that I showed them then has formed the basis of our good working relationships at DFS.

### *One thing you do to relax?*

Four years ago, I went back to horseback riding, a hobby I had as a child. Then I decided to buy an off-the-track thoroughbred jumper (which some may point to as my mid-life crisis). The time I spend in the ring, counting the strides to a jump, is the best part of my week. And I figure that if I can handle a 1200 lb. thoroughbred at his worst, I can handle virtually anything. 🐎

### **Want to Be Profiled? (Trust Us, It's a Good Thing)**

We are looking for members who would like to be profiled for our "Member Profile" feature. It only takes a few minutes to answer your pick from our stable of questions and is an easy way to give back by imparting some wisdom and advice to young lawyers and law students.

If you are interested, contact Katherine Mikkelson at [katherine.mikkelson@americanbar.org](mailto:katherine.mikkelson@americanbar.org).

## Law Students Learn about the Public Sector First Hand

**O**n March 13, 2018, GPSLD held a public sector panel program at William and Mary College of Law in Williamsburg, Virginia. The panelists provided information about the public sector to students interested in serving their communities. The program was much appreciated by the students. "The panelists helped me to gain a clear understanding of the actual duties of a prosecutor and also gave us tips for job hunting," said a student attendee.

GPSLD is grateful to the following esteemed lawyers who participated on the panel:

- Sharon Pandak  
Greehan Taves & Pandak PLLC  
Woodbridge, VA  
(Program Coordinator)
- Donald Beatty  
Deputy Commissioner (Policy and Compliance), State Corporation Commission  
Richmond, VA
- Ann Cabell Baskerville  
Commonwealth Attorney  
Dinwiddie County Commonwealth's Attorney's Office  
Dinwiddie, VA
- Amy Curtis  
Department Counsel, Virginia Department of Forensic Science  
Richmond, VA
- Candice Deisher  
Lead Attorney, Virginia Attorney General's Office  
Richmond, VA
- Karl Doss  
Director, Access to Legal Services, Virginia State Bar  
Richmond, VA

A hearty thanks to all for helping to ensure a successful program!

# ABA ANNUAL MEETING

AUGUST 2-7, 2018 ❖ CHICAGO

Registration options for the Annual Meeting have recently changed. Pick the option that is best for you:

**Limited Registration** is \$95 for ABA members and includes access to *It Is Only Fair 2* (a concert and rally for the Legal Services Corporation), entity committee and ABA governance meetings, General Assembly and presentation of the ABA Medal. This option is best for those who will attend section/division/committee/commission/forum meetings and some social events. Please note that this registration does not include access to any CLE programming.

**Standard Registration** is \$250 for ABA Members and includes everything in the Limited Registration package, as well as the ABA President's Reception at the Chicago Cultural Center on Saturday. Pick this package if your goal is to network with colleagues and attend key social events. Please note that this registration does not include access to any CLE programming.

**All-Access Registration** for \$495 for ABA members includes everything in the Standard Registration package, as well as access to over 100 Annual Meeting CLE programs, including Showcase programs, entity programming and the CLE in the City Series. Additionally, members will have exclusive access to purchase tickets to Hamilton or a Chicago Cubs Game (20% discount on ABA Tours with a max of two per main registrant). Choose this package if you want to take full advantage of all sessions and CLE programming.

Judges and government lawyers who purchase a Limited or Standard Registration package can also purchase discounted CLE program tickets.

## DIVISION SCHEDULE

### Friday, August 3

General E.E. Anderson Awards Reception  
3:30–5:00 p.m.

### Saturday, August 4

Council Meeting and Election  
8:30 a.m.–12:00 p.m.

Division events will take place at the Renaissance Chicago Downtown.

For more information or to register online, visit the [Annual Meeting portal page](#), or call the ABA Meetings and Travel Department at 312-988-5870.

Please check your program book or the Annual Meeting app to confirm times and locations of all Annual Meeting events.





# Government and Public Sector Lawyers Division Election

The Division will hold its election for officers and council members at the ABA Annual Meeting in Chicago on Saturday, August 4, 2018, from 8:30 a.m. to 12:00 p.m. at the Renaissance Chicago Downtown. Officer positions include all but current Chair-Elect, Susan N. Burke, who automatically becomes Division Chair and current Chair, Janet Coulter, who automatically becomes Immediate Past Chair at the close of the Annual Meeting. Below are the nominees:

## Officers

### Chair-Elect:

*(One vacancy, one nominee)*

#### Sharon E. Pandak

Greehan Taves & Pandak, PLLC  
Woodbridge, VA

### Vice-Chair:

*(One vacancy, one nominee)*

#### Steve Vieux

Shook Hardy & Bacon, LLP  
Los Angeles, CA

### Secretary:

*(One vacancy, one nominee)*

#### Edward Monahan

Frankfort, KY

### Treasurer:

*(One vacancy, one nominee)*

#### Wendy J. Muchman

Illinois Attorney Registration &  
Disciplinary Commission  
Chicago, IL

### Division Delegate

*(One vacancy, one nominee)*

#### Alexander W. Purdue

Santa Fe, NM

### Members-at-Large

*(Two vacancies, two nominees)*

#### Joan M. Burke

State Board of Medical Examiners  
Trenton, NJ

#### Charles Stertz

Outagamie County District Attorney's  
Office  
Appleton, WI

### ABA Entity Category

*(One vacancy, three nominees)*

#### Forum on Communications Law

##### David J. Bodney

Ballard Spahr LLP  
Phoenix, AZ

#### Solo, Small Firm and General Practice Division

##### Eugene "Gene" H. Robinson, Jr.

Lieutenant Colonel, U. S. Marine Corps  
Okinawa, Japan

#### Section of International Law

##### Gilda Mariani

NY County District Attorney's Office  
New York, NY

### State Bar Category

*(two vacancies, three nominees)*

#### Arizona Bar Association

##### Regina Nassen

Office of the Pima County Attorney  
Civil Division  
Tucson, AZ

#### The Florida Bar

##### Howard A. Pohl

Hollywood, FL

#### NY State Bar Association

##### Norman Effman

Wyoming County Public Defender  
Warsaw, NY

### Affiliated Organization Nominations

*(one vacancy, one nominee)*

#### National Asian Pacific American Bar Association

##### Liani Reeves

Bullard Law  
Portland, OR

## Upcoming Division Events

### CLE WEBINAR



#### Bid Rigging Detection

June 21, 2018

Visit [Division's website](#) to register

### ABA Annual Meeting

August 2-7, 2018

Chicago

Early Bird Registration is [here](#)

Division events will take place at  
the Renaissance Chicago Downtown

### Legal Skills Conference

October 26, 2018

Washington, D.C.

Watch this newsletter for  
registration information



## Leveraging Text Messages for Better Communications

As a government lawyer, you are probably starved for time. Between meetings, drafting pleadings, doing research, making phone calls and battling the never-zero inbox, there are just not enough hours in the day. Have you thought about using text messages to keep up with your staff and clients? Texts have an open rate of 98 percent (versus email at 2 percent) and a 45 percent response rate (versus email at 2 percent). Of course, confidentiality is of the utmost concern, so never text confidential

documents or other information that would waive your privilege.

That being said, how can you best leverage texting? Use it when communication would be difficult, like in certain public settings and during court appearances to:

- Schedule meetings
- Communicate internally with staff
- Provide court date notifications
- Give simple case status updates
- Provide automated messages about office hours, directions

Make sure your messages are clear and concise. And be professional. Save the emojis for texts to friends and family.



Source: [Law Technology Today](#)

### Want More TechTips?

Visit [ABA's Legal Technology Resource Center](#)

## Get involved — JOIN A COMMITTEE

**GPSLD needs you!** Please email your choices for committees, indicating your first and second choices.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>■ Awards</li> <li>■ Bylaws</li> <li>■ CLE</li> <li>■ Ethics</li> <li>■ Hot Topics</li> <li>■ International Pro Bono</li> </ul> | <ul style="list-style-type: none"> <li>■ Law Student Outreach</li> <li>■ Membership</li> <li>■ Newsletter</li> <li>■ Pro Bono</li> </ul> <p><b>Also indicate if you'd like to join the Military Lawyers Conference (it's FREE) which provides benefits and services for military lawyers.</b></p> |
|---|---|

Email your preferences to Alison Hill at [alison.hill@americanbar.org](mailto:alison.hill@americanbar.org). Questions? Contact Alison at 202-662-1024.



## WRITE FOR OUR BLOG

Calling all writers! Been around the block a bit? Have some wisdom you'd like to convey to those coming up the ranks? **Barring Disaster: A Law School Survival Guide** is our newly launched blog geared toward law students. We are always looking for new content, especially advice to law students on career development. Blog posts can be short, between 100 and 500 words. If you have suggestions or ideas or just want to write something up, email Katherine Mikkelson at [katherine.mikkelson@americanbar.org](mailto:katherine.mikkelson@americanbar.org).